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December 2, 2013

Mr. Paul Massera
California Water Plan Update 2013
California Department of Water Resources
P.O. Box 942386
Sacramento, CA 94236-0001
cwpcor@water.ca.gov

RE: Comments on Draft Water Plan Update 2013

Dear Mr. Massera:

On behalf of the thirty-three member counties of the Rural County Representatives of California (RCRC), we appreciate the opportunity to comment on the Draft Water Plan Update 2013 (Update 2013).

RCRC is an association of thirty-three rural California counties whose membership extends from Mexico to the Oregon border and the Sierra's to the Pacific Ocean. The RCRC Board of Directors is comprised of one elected member of the Board of Supervisors from each member county.

RCRC appreciates the opportunity to be a member of the Public Advisory Committee and to work with the other stakeholders in the development of Update 2013. Following are RCRC's comments with a focus on areas of concern to rural counties.

General Comments

There are references to legislation throughout Update 2013. RCRC would recommend that both the chapter number and the year the bill was enacted are included with mention of legislation.

The issue of land use encompasses its own chapter and surfaces in a number of chapters including Chapter 9 on Groundwater and Chapter 21 on Agricultural Land Stewardship in Update 2013. As you know, land use is the jurisdiction of local government whose authority derives from the California Constitution to regulate land use to protect the public health, safety and welfare.

Many rural California counties have large areas of land that is owned by the state or federal government. Publicly owned land accounts for 50 – 75 percent in many rural counties and Inyo County for example is over 98% publicly owned which leaves little for

the schools, hospitals, fire stations, businesses, housing and other infrastructure to support the people and community in which they live.

Local governments strive to preserve agricultural land, floodplain prone areas as well as natural recharge areas for groundwater from development in their land use decision making process. Although local governments address these issues in their land use planning, there are often competing State requirements and policies. For example, State planning law mandates a Regional Housing Needs Assessment in which the State specifies the number of housing units that a county must zone for development to meet the identified need while other State policies continue to restrict areas for development.

There will be other specific land use related comments as appropriate under the chapters.

Chapter 9. Conjunctive Management and Groundwater Storage

Page 9-14, Lines 33-40. “.....better land use planning is required to preserve natural recharge areas.....”

The sentence implies poor planning and RCRC would recommend instead that the wording be changed to “land use planning that will assist in the preservation of natural recharge areaswould be beneficial.” RCRC would also recommend the State provide the necessary funding and technical assistance for mapping and other projects to help local entities identify natural recharge areas within their jurisdiction to assist in the land use decision-making process.

Page 9-25, Recommendation 6 A. “.....the Legislature will amend the appropriate code(s)....”

RCRC would recommend striking Recommendation 6 A in that Update 2013 is not intended to dictate to the Legislature any legislative course of action.

Page 9-26, Recommendation 8 A. “....the Legislature will revise the Water Code....”

RCRC would recommend striking Recommendation 8A for the reason stated above.

Chapter 21. Agricultural Land Stewardship

Page 21-2, Lines 16-26. Williamson Act. “Underscoring the economic importance of agricultural land, California lawmakers enacted the California Land Conservation Act of 1965 (Williamson Act) in order to protect agricultural land and open space from premature conversion to urban uses (*underlined for emphasis added*).”

“At the time of this writing, the State no longer funds subvention payments to counties.”

RCRC recommends the additional language in italics at the end of the sentence above: *which places this program and its inherent benefits at substantial risk.*

Page 21-16, Recommendation 3 B. RCRC would recommend striking Recommendation 3 B and substitute the following language:

The State should pay Williamson Act Subvention Funds to counties.

Page 21-22, Recommendations for Local Action, Recommendation 24. “Counties should adopt agricultural general plan elements and designate supportive agricultural districts that enhance agricultural land stewardship on high priority, productive agricultural land.”

RCRC agrees with the comments of the American Planning Association California Chapter regarding this recommendation and recommends the sentence be changed to: “Where appropriate, cities and counties should consider adding agricultural land preservation policies to their general plans and designate supportive agricultural districts that enhance agricultural land stewardship on high priority, productive agricultural land.”

Chapter 23. Forest Management

California’s rural counties comprise much of the private, state and federal land that make up our forested lands in the State and RCRC appreciates the attention in this chapter to forest management in California. With that, RCRC offers the following comments.

“Local government has issues of public trust as well as public safety, and the health and welfare of its community and the inclusion of local government in the coordination of forest management is a critical element.”

RCRC would recommend adding a section addressing Fire and Water Quality with the following language.

“As a result of information from the Rim Fire and others, the connection between fires and water quality is quantifiable and real. Evidence shows that water treatment facilities and reservoirs as far as 100 miles from the site of a wildfire can be affected by increased sediment loads. Additionally, there is post-fire risk of fish die-off as a result of increased sediment and ash loads to fresh water bodies. Finally, overall, reduced vegetation cover can lead to significant flooding, soil erosion and sedimentation, contamination of water sources from chemicals that are no longer filtered by riparian vegetation, and changes to water temperature.”

Chapter 24. Land Use Planning and Management

Page 24-17 & 18, Lines 39-40 and Line 1. “There are several previous water management and land use decisions that have adversely affected disadvantaged communities in some rural areas.”

RCRC would recommend striking that sentence and substitute the following language. “Disadvantaged communities in some rural areas may lack safe and reliable drinking water supplies.....”

Page 24-18, Lines 13-15, Williamson Act. RCRC would recommend the following language to the end of the last sentence beginning on line 13 and concluding on line 15.

“.....eliminated from recent budgets, *which places this program and its inherent benefits at substantial risk.*”

Page 24-20, Lines 19-32, Local Strategies for Greenhouse Gas Emissions Reduction. RCRC would recommend the incorporation of the following language in this section.

“The State should provide cap and trade monies to local government to incentivize the implementation of this land use planning and management resource management strategy.”

Page 24-21, Line 21, Sustainable Rural Development. RCRC would recommend including language under RCRC’s General Comments addressing land use as an introduction to this section.

Page 24-22, Lines 13-28, Major Implementation Issues, Disincentives for Change. In the third bullet point – “The added cost to update general plans,....” RCRC would recommend striking the word ‘added’ from the sentence.

In the fifth bullet point – “CEQA mitigation strategies that may inadvertently encourage lower.....” RCRC would recommend striking ‘may inadvertently’ from the sentence in that it is speculative.

RCRC would recommend the additional bullet point. Metropolitan Planning Organizations (MPO’s) are using the majority of a limited source of funding from the state for planning that could be used by local agencies.

Page 24-24, Lines 18-23, Issues for Sustainable Development. RCRC would recommend the inclusion of the language in italics at the end of the following sentence.

“.....state subventions to local governments for reduced property taxes associated with the Williamson Act contracts have been eliminated, which may result in

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non-renewal of Williamson Act contracts over the long-term *placing the program and its inherent benefits at substantial risk.*”

Page 24-25, Integrate Regional Water Management and Regional/Local Land Use Plans, Recommendation 10. RCRC would recommend striking the first sentence and replacing it with the following.

“The State should provide mapping, funding and technical assistance in order that local government may consider relevant water management issues including water supply, water quality and flood risk reduction among others.”

RCRC would recommend the following be added to the beginning of the second sentence.

“With adequate funding and technical assistance provided by the State to local government.....”

Page 24-26, Recommendations 13 & 14. Recommendation 13 states the following: “Local governments should implement specific land use and regulatory measures.....”

RCRC would recommend the following language. The State should provide mapping, funding and technical assistance in order that local government may consider implementing specific land use planning and regulatory measures....

Recommendation 14 states the following: “Local governments should integrate recreational amenities into flood and water management plan.”

RCRC would recommend striking Recommendation 14. The recommendation prioritizes recreational opportunities above all other considerations and interferes with local land use decision making.

In conclusion, RCRC appreciates the opportunity to provide comments on the Update 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Konovaloff", with a stylized flourish at the end.

Nick Konovaloff
Legislative Analyst